

REMARKS

The Amendments

New claim 21 is directed to compounds of formula I in which X is O.

Restriction and Election of Species

In response to the Restriction, applicant hereby elects with traverse Group I, i.e., claims 1-12-and 15-20 in which X is O. In response to the election of species requirement, applicant elects the compound of example 5 at page 25.

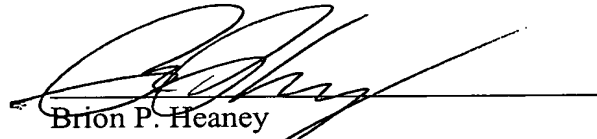
Applicants respectfully traverse the Requirement for Restriction. The restriction requirement is improper under the law. The division of the subject matter into Groups I -III constitutes a restriction inside a single claim. Similarly, the division of the subject matter into Groups IV-VI also constitutes a restriction inside a single claim. This is clearly impermissible. Furthermore, it has not been established clearly that an undue searching burden would be required to examine all of the claims. Nor is there any indication that a genus encompassing the compounds of Formula I in which X is O, S, or NH is in any way repugnant to scientific classification.

In the Restriction it is alleged that the Inventions of Groups I-III and the Inventions of IV-VI are related as subcombinations useable in a single combination. This assertion is unclear. Groups I and IV, for example, are not related as two subcombinations. Instead, Group I is a subcombination (compounds) of the combination of Group IV (compositions). More over, the Restriction presents no rationale as to why, for example, Group I should not be examined with Group IV (or Group II with Group V or Group III with Group VI). Clearly, Group I and Group IV are related as compounds and compositions containing same. No burden is imposed by examining the composition claims with their corresponding compound claims. Upon determination that the compound claims are allowable, the composition claims will also necessarily be allowable. Similarly, if all of the compound claims are examined together, as they should be, then there will be no burden imposed by examining all of the composition claims with the compound claims.

In view of the above remarks, withdrawal of the Restriction and examination of all claims together is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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